



## FREQUENTLY ASKED QUESTIONS

### PROPOSED ANNEXATIONS/BLAs

## Windy Hill Foundation and Homewood Farm

### Summary

The Town of Middleburg was approached separately by two distinct property owners proposing the idea of annexation (or boundary line adjustment) – to bring their property into the Town limits. The most up-to-date information is available at <http://www.middleburgva.gov/bla>

### **FREQUENTLY ASKED QUESTIONS (version 2; updated May 23, 2022)**

[The first 12 questions were previously answered on May 4; additional questions and answers begin with question #13]

**1. Did the Town initiate these proposals?**

The Town did not initiate these proposals. The Town was approached by two separate property owners with two distinct proposals to bring land into the Town limits. Towns cannot initiate or request annexations/BLAs of privately owned land. These two proposals are not tied together and should be considered individually on their own merits. Lastly, it is also important to note that no formal applications have been submitted by the property owners. The Town recommended that prior to doing so, the details of their concepts be presented to the public to gain citizen input and feedback to allow for any formal request/application to be modified, if needed, to accommodate public feedback.

**2. Who created the detailed site layouts for each property?**

The property owners/proposers put together the detailed site layouts which have been presented to the public. These were not developed by the Town in any way.

**3. Why did the Town present this information, and why did it not come straight from the property owner/developer?**

The discussion of annexation/boundary line adjustment (“BLA”) is an incredibly complex issue and involves County & Town Comprehensive Plans, County & Town Zoning, laws and rules about annexations and boundary line adjustments, as well as details and plans of applicant proposals. The Mayor and Council felt it was important to provide the entire scope and depth of information that we have at this point to the public to allow you to give us meaningful feedback so if anything is done it is done being as informed as possible.

Ultimately, it will be up to each property owner to determine whether to formally request a boundary line adjustment and to make its own, individual case to the community on the merits of its proposal.

**4. Who will determine what roads will connect to existing roads, and how access will be done safely?**

The Town works closely with VDOT on the safety of roadways. Ultimately, VDOT approves all matters related to public roads, and they would be required to review and approve all development plans to ensure safety and proper engineering. It would be up to VDOT's standards whether a formal traffic study (or traffic impact analysis) would be required and any resultant modifications which would be needed.

**5. Is there sufficient water/sewer capacity for these additional homes?**

The Town has sufficient water and sewer capacity. Along with capacity, the Town must also analyze the proposals in its hydraulic model, which is currently being updated. If the discussions progress to a more detailed stage, then the Town would run models to determine what infrastructure would be required so that proper water pressure and fire flow could serve the developments. All infrastructure (and associated costs) would be built at the expense of the property owner/developer.

**6. Does the Town have poor water quality, and should we be adding more homes to our current water system?**

The Town's water quality meets or exceeds all standards in place by the Virginia Department of Health and Office of Drinking Water. The Town conducts regular testing, as required, and provides an annual "Consumer Confidence Report" that is available on the Town website.

From time to time, customers may have experience slight discoloration in water. This comes from naturally occurring elements/minerals (mainly, iron and manganese) that are found in the water that comes from Town-owned wells. While normally these elements are completely filtered out or suspended in the water molecules, at times they will settle in the water lines or individual service lateral lines to homes. If there is a burst of water flow at a high velocity, it could stir up these deposits and create some discoloration. Please know that at all times the water is safe and disinfected and fully potable.

**7. What is the community center on the Windy Hill proposal?**

This is intended to be a common gathering area for residents of the Windy Hill properties. This is not a public community center or meant to provide public amenities. It is intended to be for the use and benefit of their residents. More details can be obtained from the Windy Hill Foundation.

**8. How will the Town ensure that the homes are actually maintained as entry level housing?**

If the proposals move forward, the Town would seek all available means (contractually and legally) to ensure the reasonably priced nature of the proposed homes is

maintained. In addition, limiting the size of homes could be one way to keep them in a price range that is accessible to more people.

There are many details to be worked out over the course of these discussions and no decisions have been made yet. This is an important part of future discussions, should they continue with the 2 landowners.

**9. How will the Town ensure that the proposed conservation easements will do what is intended?**

Similar to the answer above, the Town would seek all means (contractually and legally) to ensure that the proposed conservation easements achieve the community's desired goals to protect the land. The Town has full, unilateral authority to accept or reject an application for annexation. This also affords us the ability to state under what circumstances and restrictions the Town would consider any such application. This gives the Town a large amount of authority to control the nature of the application and any potential approval.

There are many details to be worked out over the course of these discussions and no decisions have been made yet. This is an important part of future discussions, should they continue. This is why public input, recommendations, suggestions and feedback are critically important for the Town to learn how best to proceed and under what circumstances any annexations would be acceptable by the public.

**10. Is the Wolver Hill conservation easement actually going to happen?**

The Town has no direct involvement in the Wolver Hill property or the proposed conservation easement. However, based on the information that has been shared with the Town, the new property owner intends to place it in conservation easement in May 2022 or soon thereafter. Typically, a property owner must own a property for at least a year before they can place the property into easement for tax purposes. As any information becomes publicly available, we will provide to the community on our website.

**11. When did Salamander inform the Town that they do not intend to develop the "Mixed-Use Village" portion of their development, which included the 60 workforce/teacher housing units?**

Representatives of Salamander publicly stated in 2016 and 2017 that they were likely not to develop the "Mixed-Use Village" portion of the property as currently approved, due to changes in market conditions and their development intentions. This was reiterated in the last 12-18 months in front of the Town's Planning Commission and directly to members of the Town Council.

**12. Is the Town considering this because it needs more tax revenue?**

No, these proposals are not being considered because of potential tax revenues they may bring. Over 70% of the Town's General Fund revenues come from our Meals Tax, Occupancy Tax, and Business License Tax. These 3 tax sources are wholly paid by our town businesses. The Property taxes paid by town property owners account for about 14% of the town revenues, which is approximately \$530,000. The total cost to provide

all town services (non-utilities) such as policing, customer service, trash collection, maintenance, etc. is just over \$3,600,000.

The Town's business revenue streams have been very strong, especially coming out of the pandemic, and the Town is likely going to see significant revenue surpluses for the current and next fiscal years. This strong business performance has provided significant revenues in excess of expenses over the last 7 years, allowing the Town to build a healthy rainy day reserve while at the same time reducing the Town's property tax rate for 2023 by over 10%.

[New questions added on May 23, 2022]

**13. Can you clarify the size of the potential 14 lots that could be developed "by-right" on the Homewood Farm property, and what type of residential structure could be built? Can you also clarify the size of the rural economy lot and is there any limitation on its location on the property?**

The current/by-right Zoning is determined by Loudoun County, so we encourage questions to be directed to Loudoun County Planning & Zoning.

In general, though, the cluster subdivision option allows for the greatest yield in terms of number of lots (1 per 15 acres). The total of 14 lots could be divided many different ways, with a minimum of 5 rural cluster lots (up to 4 acres maximum in size; minimum size depends on how water and wastewater are located) and a minimum of 1 rural economy lot (minimum 25 acres in size). So there could be 13+1, 12+2, 11+3, etc.

They can build any residential type of home they wish as long as it conforms to the building code in terms of setbacks and the like. In terms of square footage, we would imagine it would be something similar to Banbury Cross. The key is that they are required to be clustered together, and most developers build them along the road to save on infrastructure costs.

As for the rural economy lot, there is no restriction on where it is located on the site, as long as it meets the minimum acreage requirement (25 acres). That would be determined in the subdivision process.

**14. Are the 14 lots that can be developed with the boundaries of the property already within the town limits; within the boundaries of the development proposed in the BLA; or the limit of what could be developed in the whole existing 220 acre property owned by the current land owner?**

The 14 lots and the rural economy lots are their by-right options exclusively in Loudoun County. That does not include anything that could be done with the land which is currently in the town. The town has no control over what they do on their county parcels.

Any land they would annex into town, the Town would control the zoning. When property is annexed into a town it is automatically re-zoned Agricultural Conservancy.

That would require them to come and get a rezoning from the town which again we have full control over. The land that is in town now is also ag conservancy and would require a rezoning to do anything; that parcel is only about 15 acres of the total approx. 225 acres.

**15. In the proposed development — is there any actual lot size or residence size dimensions proposed and if so is there any actual legal mechanisms to hold them to those lot size or dwelling dimensions once a BLA is approved?**

To this point all they have submitted is a concept plan – and nothing is set in stone. They did not want to go through the lengthy expense of doing full designs and plans if the community had serious reservations or suggested changes on the concept. Community input as well will shape the design and size and scale of what they will ultimately propose.

As for legal mechanisms, please see the response to questions 8 and 9.

**16. If the proposal is granted, what are all the possible uses of the “limited commercial use in the existing, renovated barn”?**

There are no specifics on this as of yet. The Town believes the proposer’s intent is a reception venue or dinner party type of place. The barn has already been renovated, so the expectation is that it would be used for that type of purpose.

**17. What evidence exists that suggest that condos are desired for affordable housing in a rural area?**

This is really being driven by size of homes and land prices. The County did an affordable housing assessment and study this year and it was identified as a county wide crisis. To keep them affordable, the lots have to be small as do the houses, and multi-family housing is typically seen as the path. For workforce/entry-level housing. Windy Hill and the other rental condo/apts in town have a many months’ long backlog. Several non-profits and farms owners have also stated they would be interested in purchasing a condo for housing for their employees and staff.

**18. Under the existing town zoning — would the proposed condos, townhouses and cottages be eligible for short-term rental use?**

If the land comes into the Town, it would then need to go through a subsequent rezoning process in order to be developed. The zoning that would be established would allow for control over whether or not the units could be eligible for use as short-term rentals. As the Town regulations currently stand, short-term rentals are only eligible for consideration in single-family detached dwellings (not in townhouses or multi-family dwellings) and then only in certain zoning districts with a special use permit required in all cases.

The Town’s intent is that these units would not be eligible for short-term rental use.

**19. In regard to Windy Hill’s proposal, what is the rationale that the 40 subsidized units would only be available or lease instead of ownership? What is the definition of who would be eligible for those units?**

All of these would be rentals, as that is how Windy Hill operates their financial model and how they receive tax credit financing. They also determine need for additional units based on their backlog and wait lists.

We encourage people to contact Windy Hill with specific questions about their financing model or who qualifies for their various housing offerings.

**20. Would the 65+ age restricted facility be an assisted living or skilled facility or only age limited multi-family dwellings? How many stories is it?**

It is not assisted living, it is simply 65+, subsidized, independent living units. There would be no nursing staff on site.

They have not proposed a height, but our understanding is that they intend to build it similar to the Levis Hill House, which is a 2 story building located at 1000 W. Washington Street.

**21. How many residents are there in Middleburg?**

The official 2020 Census number is 669 residents, which is the number used in all official grant applications, federal funding, etc. However, the Town believes the figure is higher. We generally refer to the Town’s population as “around 700 residents.”

**22. How many housing/dwelling units are in Middleburg?**

There are currently 428 existing dwelling units, with an additional 49 units approved (and under construction) on the Salamander property. This means there is a baseline of 477 built and/or approved dwelling units.

**23. Will the Town consider an additional entrance/exit onto Route 50 for the Homewood Farm property?**

The Town is taking all input and suggestions related to the two proposals. Any specific transportation suggestions could be incorporated as part of a formal proposal from a property owner and would be reviewed in detail by the Town and VDOT.

## **Public Engagement and Input**

The Town continues to accept input from the public this topic. Citizens may reach out to the Town Council or to the Town Clerk at 540-687-5152 or [townclerk@middleburgva.gov](mailto:townclerk@middleburgva.gov). Additionally, there is an online form at <http://www.middleburgva.gov/bla>

Residents can also attend a Town Council Meeting (2<sup>nd</sup> and 4<sup>th</sup> Thursdays at 6pm) during which there will be a dedicated time of Public Comment on the BLA proposals. The Town will also be holding another Public Information Meeting in the near future with full opportunity for Q&A with the public.

## Contact Information

The public is welcome and encouraged to reach out to the Town with any questions or input.

Town Manager – Danny Davis – [ddavis@middleburgva.gov](mailto:ddavis@middleburgva.gov) – 540-687-5152

Deputy Town Manager – Will Moore – [wmoore@middleburgva.gov](mailto:wmoore@middleburgva.gov) 540-687-5152

Mayor Bridge Littleton – [blittleton@middleburgva.gov](mailto:blittleton@middleburgva.gov) – 540-687-5152

Reports and details: <https://www.middleburgva.gov/bla>

